

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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DARREN GILBERT,

Plaintiff,

v.

7-ELEVEN, INC. dba 7-ELEVEN
#23615; JATINDER BRAR dba 7-
ELEVEN #23615; JATINDER SINGH
BRAR dba 7-ELEVEN #23615; I-
CHUNG HO, Trustee of the HO
LIVING TRUST dated October
26, 1991; MIN-CHING HO,
Trustee of the HO LIVING
TRUST dated October 26, 1991;
and KATHLEEN A. HO,

Defendants.

No. 2:21-cv-01984 WBS KJN

ORDER

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Plaintiff has filed a motion for attorney's fees.
(Docket No. 58.) The day the motion was filed, defendant 7-
Eleven, Inc. filed its notice of appeal. (Docket No. 57.)

"The filing of a notice of appeal is an event of
jurisdictional significance--it confers jurisdiction on the court

1 of appeals and divests the district court of its control over
2 those aspects of the case involved in the appeal." Griggs v.
3 Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982). Even where
4 there are issues before the district court that are not involved
5 in an appeal, the court can stay a proceeding pending the outcome
6 of the appeal. See Nken v. Holder, 556 U.S. 418, 421 (2009).
7 The power to stay proceedings "is incidental to the power
8 inherent in every court to control the disposition of the cases
9 on its docket with economy of time and effort for itself, for
10 counsel, and for litigants." Landis v. N. Am. Co., 299 U.S. 248,
11 254 (1936).

12 Because defendant's appeal presumably involves the
13 issue of whether plaintiff proved a violation of the Americans
14 with Disabilities Act and the Unruh Act, the appeal may resolve
15 whether plaintiff is entitled to any attorney's fees at all. In
16 the interest of judicial economy, all proceedings, including as
17 to plaintiff's motion for attorney's fees, are hereby STAYED
18 pending the outcome of defendant's appeal. The hearing on
19 plaintiff's motion for attorney's fees set for January 8, 2024 is
20 VACATED. The parties shall file a joint status report within 14
21 days after the Ninth Circuit issues a decision in the appeal.

22 IT IS SO ORDERED.

23 Dated: December 6, 2023



24 WILLIAM B. SHUBB

25 UNITED STATES DISTRICT JUDGE
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